



House of Representatives

General Assembly

File No. 98

January Session, 2011

House Bill No. 6266

House of Representatives, March 21, 2011

The Committee on General Law reported through REP. TABORSAK of the 109th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING AUTOMATIC EXTERNAL DEFIBRILLATORS IN HEALTH CLUBS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-223 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 (a) Each individual place of business of each health club shall obtain
4 a license from the Department of Consumer Protection prior to the sale
5 of any health club contract. Application for such license shall be made
6 on forms provided by the Commissioner of Consumer Protection and
7 said commissioner shall require as a condition to the issuance and
8 renewal of any license obtained under this chapter (1) that the
9 applicant provide for and maintain on the premises of the health club
10 sanitary facilities; (2) that the applicant (A) (i) provide and maintain in
11 a readily accessible location on the premises of the health club at least
12 one automatic external defibrillator, as defined in section 19a-175, and
13 (ii) make such location known to employees of such health club, (B)
14 ensure that at least one employee is on the premises of such health

15 club during staffed business hours who is trained in cardiopulmonary
16 resuscitation and the use of an automatic external defibrillator in
17 accordance with the standards set forth by the American Red Cross or
18 American Heart Association, (C) maintain and test the automatic
19 external defibrillator in accordance with the manufacturer's guidelines,
20 and (D) promptly notify a local emergency medical services provider
21 after each use of such automatic external defibrillator; (3) that the
22 application be accompanied by (A) a license or renewal fee of two
23 hundred fifty dollars, (B) a list of the equipment and each service
24 [which] that the applicant intends to have available for use by buyers
25 during the year of operations following licensure or renewal, and (C)
26 two copies of each health club contract [which] that the applicant is
27 currently using or intends to use; and [(3)] (4) compliance with the
28 requirements of section 21a-226. Such licenses shall be renewed
29 annually. The commissioner may impose a civil penalty of not more
30 than three hundred dollars against any health club that continues to
31 sell or offer for sale health club contracts for any location but fails to
32 submit a license renewal and license renewal fee for such location not
33 later than thirty days after such license's expiration date.

34 (b) No health club shall (1) engage in any act or practice [which] that
35 is in violation of or contrary to the provisions of this chapter or any
36 regulation adopted to carry out the provisions of this chapter,
37 including the use of contracts [which] that do not conform to the
38 requirements of this chapter, or (2) engage in conduct of a character
39 likely to mislead, deceive or defraud the buyer, the public or the
40 commissioner. The Commissioner of Consumer Protection may refuse
41 to grant or renew a license to, or may suspend or revoke the license of,
42 any health club which engages in any conduct prohibited by this
43 chapter.

44 (c) If the commissioner refuses to grant or renew a license of any
45 health club, the commissioner shall notify the applicant or licensee of
46 the refusal, and of [his] the applicant's or licensee's right to request a
47 hearing [within] not later than ten days [from] after the date of receipt
48 of the notice of refusal. If the applicant or licensee requests a hearing

49 within [ten days] such ten-day period, the commissioner shall give
50 notice of the grounds for [his] the commissioner's refusal to grant or
51 renew such license and shall conduct a hearing concerning such
52 refusal in accordance with the provisions of chapter 54 concerning
53 contested matters.

54 (d) The Attorney General, at the request of the Commissioner of
55 Consumer Protection, [is authorized to] may apply in the name of the
56 state of Connecticut to the Superior Court for an order temporarily or
57 permanently restraining and enjoining any health club from operating
58 in violation of any provision of this chapter.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	21a-223

GL *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 12 \$	FY 13 \$
Consumer Protection, Dept.	GF - Cost	None	15,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	GF - Cost	None	1,147

Note: GF=General Fund

Municipal Impact: None

Explanation

The compliance activity required in the bill will result in the equivalent of one fourth of a full time employee at a cost of approximately \$15,000 plus fringe benefits beginning in FY 13 to develop a certificate of compliance and ensure that all certificates are on file with the Department of Consumer Protection and kept up to date. The employee will also write to and visit the non compliant health clubs. There are currently 275 health clubs which would fall under this requirement.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ The state's fringe benefit cost associated with the 10 hours a week results from 7.65% for FICA (Federal Insurance Compensation Act) for such employees.

OLR Bill Analysis**HB 6266*****AN ACT CONCERNING AUTOMATIC EXTERNAL
DEFIBRILLATORS IN HEALTH CLUBS.*****SUMMARY:**

This bill requires anyone applying to get or renew a health club license to:

1. provide and maintain at least one automatic external defibrillator (AED) in a readily accessible location;
2. make the location known to employees;
3. ensure that, during staffed business hours, at least one employee trained in cardiopulmonary resuscitation and the use of an AED in accordance with the American Red Cross or American Heart Association standards is on the premises;
4. maintain and test the AED in accordance with the manufacturer's guidelines; and
5. promptly notify a local emergency medical services provider after each AED use.

The consumer protection commissioner can (1) refuse to grant or renew or (2) revoke or suspend a health club's license if it fails to comply with these requirements.

EFFECTIVE DATE: July 1, 2012

BACKGROUND***Automatic External Defibrillators***

An AED is a portable automatic device used to restore normal heart

rhythm to anyone having a heart attack. It consists of a small computer (microprocessor), electrodes, and electrical circuitry. If the heart is in ventricular fibrillation, i.e., beating abnormally, the microprocessor recommends a defibrillating shock to restore a regular rhythm. The shock is delivered through adhesive electrode pads.

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 8 Nay 7 (03/03/2011)